

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 60816(71719)	
	Application Number 10/773,023-Conf. #5331	Filed February 4, 2004	
	First Named Inventor Eiichi Harada et al.		
	Art Unit 2625	Examiner M. T. Riley	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;"> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>62,074</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> </div> <div style="width: 35%; text-align: center;"> <p>_____ /Brian R. Landry/ Signature</p> <p>_____ Brian R. Landry Typed or printed name</p> <p>_____ (617) 239-0150 Telephone number</p> <p>_____ July 21, 2008 Date</p> </div> </div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<input type="checkbox"/> *Total of <u>1</u> forms are submitted.			

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: July 21, 2008

Signature: Brian R. Landry/

Docket No.: 60816(71719)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Eiichi Harada et al.

Application No.: 10/773,023

Confirmation No.: 5331

Filed: February 4, 2004

Art Unit: 2625

For: FILM HOLDER AND IMAGE READING
CONTROL APPARATUS

Examiner: M. T. Riley

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following remarks support Applicants' Pre-Appeal Brief Request for Review filed concurrently herewith in the above-referenced application. The remarks are presented in five pages or less filed concurrently with Applicant's Notice of Appeal.

Claims 1-5 and 7 are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,835,201 to Itano et al. (hereinafter "Itano") in view of U.S. Patent No. 6,982,816 to Kurosawa (hereinafter "Kurosawa '816") and U.S. Patent No. 6,714,324 to Kurosawa (hereinafter "Kurosawa '324").

Claim 3 is rejected under 35 U.S.C. § 103(a) over Itano, Kurosawa '816, Kurosawa '324, and U.S. Patent No. 7,106,480 to Huang (hereinafter "Huang").

Claim 6 is rejected under 35 U.S.C. § 103(a) over Itano, Kurosawa '816, Kurosawa '324, and Huang.

Claims 8-10 are rejected under 35 U.S.C. § 103(a) over Itano and Kurosawa '816.

Applicants respectfully request review of the following clear factual errors in the Office Action mailed on March 19, 2008. No amendments are filed with this request.

First Clear Error: The Office Action Mischaracterizes Itano's "Original Holder"

The Final Office Action states at Page 7 that Itano discloses a "film holder being adapted to be put on an original bed of a flatbed image reader which is capable of reading the transparency and includes a read area corresponding to frames the number of which is half the number of frames of one roll of strip film" as claimed by Applicants. Applicants respectfully assert that Itano does not teach or suggest such a feature.

Itano discloses an "original holder" configured to allow a scanner to recognize whether an image is "vertically long" or "laterally long" and scan accordingly. See, e.g., Itano, col. 2, lines 33-37.

Itano does not teach or suggest a film holder adapted to hold a film strip. Rather, Itano only shows the scanning of a single image. See, e.g., id. Fig. 3. Likewise, Itano does not teach or suggest a film holder adapted to be put on a flatbed image reader which includes a read area corresponding to half of the number of frames on one roll of strip film.

As a result of this clear error, the Office Action reached an erroneous conclusion that the claimed inventions are obvious in light of Itano in view of the film strip holder of Kurosawa '816. When properly characterized, it is manifest that the combination of Itano and Kurosawa '816 neither teaches nor suggests a film holder adapted for use with a flat bed scanner which includes a read area corresponding to half of the number of frames.

Second Clear Error: The Office Action Mischaracterizes Kurosawa '324

The Final Office Action states at Page 9 that "Kurosawa '324 discloses a film holder provided at a position where a first corner of the film holder is matched with a first corner of the original bed having the same positional relationship as the first corner of the film holder, a first frame having one half of the frames of the strip film contained in the read area". Applicants respectfully assert that Kurosawa '324 does not teach or suggest such a feature.

Kurosawa '324 discloses a film scanner including a transport table carried by guide bars and a film holder connected to the transport table by rails. Kurosawa '324 is completely silent regarding a flat bed scanner or an original bed. Accordingly, Kurosawa '324 does not teach that the "film holder is provided at a position where a first corner of the film holder is matched with a first corner of the original bed" as stated in the Final Office Action.

Third Clear Error: The Office Action Mischaracterizes Itano With Respect to Rotation

The Final Office Action states at Page 7 that Itano discloses "a preview unit that previews frames of the read film while changing the display order and the rotation direction of the frames changed in response to the determination result of the determination unit." Applicants respectfully assert that this characterization of Itano is incorrect.

Itano clearly states that the image is not rotated. See Itano, col. 8, lines 13-25 ("The structure of the embodiment does not require any time-consuming electric or mechanical image rotations as the conventional system does, but promptly gives an erecting image.") Therefore, Itano does not teach or suggest to change the display order and the rotation direction of the frames.

The Office Action cites column 12, lines 58-67 of Itano as allegedly showing the claimed feature. However, this passage merely discusses the application of identifying slits to all four sides of the original carrier in order to facilitate the insertion of the original carrier in the 180-degree direction and the 270-degree direction. Such configuration still does not teach, suggest, or necessitate the rotation of an image. Rather, scanning in the 180-degree direction and the 270-degree direction under Itano could be performed by reversing either the primary scanning direction or the secondary scanning direction.

Applicants submit that claims 1-10 are in condition for allowance and request withdrawal of the Final Office Action and the issuance of a Notice of Allowance.

Applicants submit that no fees are required for the submission of the Pre-Appeal Brief Request for Review other than Notice of Appeal fee under 37 C.F.R. § 41.20(b)(1)

and the One-Month Extension of Time fee under 37 C.F.R. § 1.17(a)(1), both of which are concurrently submitted herewith. However, if any additional fees are required for the entry and consideration of this Request, these Remarks or any other paper filed herewith, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-1104 under order number 60816(71719).

Dated: July 21, 2008

Respectfully submitted,

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